

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

VINCENT SIMS,

Petitioner,

VS.

TONY MAYS, Warden, Riverbend
Maximum Security Institution,

Respondent.

No. 11-2946-JTF-cgc

ORDER DIRECTING RESPONDENT TO SUPPLEMENT THE STATE COURT RECORD

On May 28, 2015, the Court directed Respondent to file:

the complete state court record relevant to this matter, including the complete trial court record, the complete record on direct appeal, and the complete trial and appellate court record in connection with any state petition for collateral relief including, but not limited to, transcripts for all proceedings and rulings on any state petition.

(ECF No. 42 at 2.) The notice of filing was required to include “a comprehensive index indicating the precise location of each distinct part of the record.” (*Id.*) On July 13, 2015, Respondent filed a Notice of Filing of the state court record in three parts with multiple attachments. (*See* ECF Nos. 46-48.) On September 4, 2015, Respondent supplemented the state court record. (ECF No. 57.)

Since the filing of the last supplement, Sims has been engaged in additional state court litigation related to his conviction and sentence, including but not limited to: (1) a motion to reopen post-conviction petition proceedings based on *Hall v. Fla.*, 572 U.S. 701 (2014), in 2015; (2) a

2016 motion to reopen post-conviction proceedings based on *Johnson v. United States*, 576 U.S. 591 (2015), *Obergefell v. Hodges*, 576 U.S. 644 (2015), and Justice Breyer's dissenting opinion in *Glossip v. Gross*, 576 U.S. 863 (2015); (3) a motion to reopen post-conviction proceedings based on *Moore v. Texas*, 137 S. Ct. 1039 (2017), filed in 2017; and (4) a declaratory judgment action seeking to enjoin his execution. The state court record filed in these federal habeas proceedings is incomplete.

Therefore, the Court DIRECTS Respondent to supplement the state court record within sixty (60) days of the entry of this Order. The supplement shall be organized and appropriately indexed, as required by Administrative Order 16-31.

IT IS SO ORDERED this 19th day of July 2021.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE